

ORDER NO. 02-12-05
CLEVELAND NATIONAL FOREST
ALCOHOL PROHIBITION

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to provide for public safety, the following act is prohibited within the Palomar Ranger District of the Cleveland National Forest. This Order is effective from April 1, 2012, through March 31, 2013.

Possessing a beverage which is defined as an alcoholic beverage under California state law within the Cedar Creek Falls Alcohol Prohibition Area. The Cedar Creek Falls Alcohol Prohibition Area includes all National Forest System lands within ¼ mile of Cedar Creek Falls, ½ mile to the north and ¼ mile to the south of the San Diego River Gorge Trail and Trailhead, and ¼ mile on either side of the Eagle Peak Road Trail and Trailhead, as shown on Exhibit A.

36 CFR § 261.58 (bb).

This prohibition is in addition to the general prohibitions in 36 CFR 261, Subpart A.

A violation of this prohibition is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization or imprisonment for not more than six months, or both. 16 USC 551 and 18 USC 3559, 3571 and 3581.

Executed in San Diego, California, this 30th day of March 2012.



WILLIAM METZ
Forest Supervisor

TO: FILE

FROM: WILL METZ

WM, 03/30/12

RE: FOREST ORDER NO. 02-12-05, Alcohol Prohibition on the Cedar Creek Falls Trail and Trailhead

DATE: March 30, 2012

DECISION

It is my decision to issue a Forest Order authorizing a temporary alcohol prohibition that prohibits the possession of alcohol in the Cedar Creek Falls Alcohol Prohibition Area. The affected area includes all National Forest System lands within ¼ mile in any direction of Cedar Creek Falls, ½ mile to the north and ¼ mile to the south of the San Diego River Gorge Trail and Trailhead, and ¼ mile on either side of the Eagle Peak Road Trail and Trailhead. This area covers portions of Sections 1, 2, and 3, T.14S, R.2E; Sections 34, 35, and 36, T.13S, R.2E; and Section 31, T.13S, R.3E, as shown on Exhibit A.

This restriction will be in effect from the effective date on the Order until March 31, 2013, and will address public health and safety concerns related to recreation areas.

BACKGROUND

In an effort to develop an infrastructure to enable safe management the Cedar Falls area, the Palomar Ranger District, in partnership with the San Diego River Gorge Conservancy implemented a trailhead and trail reconstruction project completed in the spring of 2011. The project included the reconstruction of a gently graded hiking trail, obliteration of user-created trails, a public easement, construction of a trailhead with vehicle parking, restrooms, water spigots, trash receptacles; visitor host trailer pad, visitor information kiosks, signs and new rules for managing the area.

Historically, the rugged access to this back country destination and water attraction has resulted in serious injuries including fatalities over the past several decades. In 2005, plans for a trail and trailhead were developed to address recurring safety and resource protection problems. Though interrupted by the 2007 Fire Siege and aftermath, construction was completed in 2011. The Forest now has an infrastructure to manage this popular recreation site but requires a Forest Order to protect public health and safety from dangers associated with public use of this area.

Though not a complete list, the following incidents exemplify the importance of implementing this Forest Order. During the Fourth of July weekend of 1998, a young man died after consuming alcohol and lost his footing in an attempt to jump from the top of a 75 foot cliff. In 2003, two young men were rescued in separate incidents. One youth broke his back in four places, the other suffered paralysis. On the July 8, 2005, a 27 year old was found dead at the bottom of the pool. Three weeks later in 2005, a 17 year old broke his neck diving into the pool.

At this time the Forest Service erected a sign indicating danger. In September of 2005, a 26 year old was permanently paralyzed jumping from the 75 foot cliff. At times, the water is 25 feet deep and then unknown to cliff jumpers and divers, evaporates to only 4 to 12 feet depths as the water typically dries up as summer progresses.

According to the San Diego Sheriff's Office, Cedar Creek Falls and the San Diego River Gorge trail leading to it have the highest amount of rescues in the San Diego County Sheriff's jurisdiction. The Forest Service is working in conjunction with the County and other rescue personnel to attempt to create an environment for a safe and enjoyable recreation experience. During the 2010 calendar year, rescue personnel conducted a total of 48 helicopter medical assist calls to the Cedar Falls area. Ninety percent of these calls were related to dehydration, many of the remainder associated with dangerous jumping and diving off 75 foot or taller cliffs.

There are numerous incidents of dehydration as well. In 2010/2011 the Palomar Ranger District rebuilt the trail to a standard and grade that was more gentle and easier for hikers. The Forest Service also added the trail to its official "trail system" after acquiring a needed easement from the adjacent Helix Water District. The District has also increased signage warning hikers of steep terrain and hot conditions as well as provided a water spigot at the trailhead. Despite these attempts, use of the trail has increased 5 fold in the past three years and there has been a surge in alcohol use and partying off of the trail that is contributing to more rescues and incidents of dehydration.

The area has had a history of excessive alcohol consumption. Alcohol is contributing to injuries and other problems in the water play and surrounding area. Alcohol use is also exacerbated by hot temperatures routinely exceeding 100 degrees Fahrenheit during the summer months. Neighbors from the San Diego Country Estates are complaining of trespass, unruly behavior, public urination and report large numbers of youths in particular, carrying coolers and partying at the Falls or trailhead. Illegal campfire rings and unattended fires are being reported near the Falls. This month, there were a large number of assemblages of young people and partying. Alcohol is contributing to problems with behavior, and constrains the ability of Forest Service non-law enforcement personnel to enforce rules, manage people and further compromises safety for Forest Service employees. Unattended campfires, jumping or diving from cliffs, and dehydration are exacerbated by alcohol use. Concern is mounting that the area is becoming a known party spot with known alcohol and drug (marijuana) use.

Since 2007, visitor use to the site has increased 5 fold from 50-60 cars on a peak weekend to a high of 260 cars. Increased public use of this area over the past 3 years is likely the result of considerably increased media attention especially in the form of social networking where Cedar Falls now has its own "Facebook" page. Three consecutive wet years following a prolonged drought have resulted in year round visitation. Trail development and high media attention to the controversies surrounding the site have increased use and exacerbated existing problems.

The Palomar Ranger District is currently working to complete a NEPA process on the management of Cedar Creek Falls. This NEPA process considers how to manage the number of visitors and resource impacts at the site. The resulting management plan will address issues of public safety, resource impacts, and impacts to the San Diego Country Estates neighborhood in the vicinity of the San Diego River Gorge Trailhead. It is recommended that Order No. 2-11-09, scheduled to expire on April 1, 2012, be modified and extended until March 31, 2013 to allow

the District to complete this NEPA process and implement the resulting management plan. Lifting the current closure without implementing one or more modified Forest Orders in the absence of a management plan may result in an increase in the impacts described above.

In order to mitigate the aforementioned situation, the Cleveland National Forest will issue Forest Order No. 02-12-05, which prohibits alcohol in the Cedar Creek Falls area, for the protection of public health and safety. This action is provided for by 36 CFR § 261.58 (bb).

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

This decision is categorically excluded from documentation under Forest Service Handbook 1909.15, Section 31.12(1) – Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to protect public health and safety. This restriction will be in effect from the effective date on the Order until March 31, 2013 or until the Order is otherwise terminated, and will address public health and safety concerns related to recreation areas. This is not a project or activity implementing the Cleveland National Forest Land and Resources Management Plan that is documented in a ‘decision memo,’ ‘decision notice,’ or ‘record of decision.’ This Order is issued in conformance with 31.1 Categories of Actions Excluded from Documentation; and 31.12 Categories Established by the Chief, “Categories of Actions for Which a Project or Case File and Decision Memo Are Not Required.” This restriction is a temporary measure taken to protect the safety of Forest visitors. Therefore, this action is not subject to appeal. 36 CFR 215.8(a)(4).

As a result of the following analysis, I find there are no extraordinary circumstances that might cause the action to have significant environmental effects. A discussion of the circumstances arising from the alcohol prohibition is provided below:

1. Threatened and Endangered species or their critical habitat.

This action will further protect threatened and endangered species, and their habitats, located adjacent to the area.

2. Floodplains, wetlands, or municipal watersheds.

This action will minimize impacts on floodplains, wetlands, and municipal watersheds immediately adjacent to the restricted area. The trail passes through the San Diego River which is a municipal watershed.

3. Congressional designated areas, such as Wilderness, Wilderness study areas, or national recreation areas.

There are no such areas in the Cedar Falls area or nearby, therefore there is no effect.

4. Inventoried Roadless Areas or potential Wilderness areas.

The nearest Inventoried Roadless Areas will not be affected by this action. This area is not a part of any recommendations for inclusion within the Wilderness system.

5. Research Natural Areas.

There are no Research Natural Areas within close proximity to the area.

6. American Indians and Alaska Native religious or cultural sites.

There are no negative impacts to cultural sites from this action. The Barona Band of Mission Indians which has land adjacent to this area, has previously expressed in writing their concern over impacts of Forest visitors trespassing on their lands. This action will have no negative impacts to neighboring tribal land.

7. Archeological sites, or historic properties or areas.

There are no negative impacts to archaeological sites or historic properties, or areas within or adjacent to the closure area.

SCOPING

Scoping on the issuance of Forest Order No. 02-12-05 was conducted over the course of three meetings with a group of stakeholders comprised of the County of San Diego (Sheriff's Office, Department of Public Works, and Search and Rescue), representatives of elected officials, neighbors from the SD Country Estates as well as its Homeowners Association, and representatives of various recreation user groups. Additionally, prior to the implementation of Order No. 2-11-09 the District had meetings with the County of San Diego, rescue personnel from Cal Fire; Ramona Water and Fire Authority; Helix Water Authority, Barona Tribe of Mission Indians, Heartland District; and San Diego Sheriff's Office and neighbors from the SD Country Estates as well as its Homeowner Association; and members of Congressman Duncan Hunter's staff.

**Exhibit A: Cedar Creek Falls Alcohol Prohibition
Forest Closure Order: 02-12-05**

